

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3833 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PATEL AMRUTBHAI SHANKERBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3833 of 1997
MR RAVI R TRIPATHI for Petitioners
SERVED BY DS for Respondent No. 1
MR YN OZA for Respondent No. 5

CORAM : MR.JUSTICE N.N.MATHUR
Date of decision: 08/08/97

ORAL JUDGEMENT

Rule. Mr Uday Bhatt, learned AGP waives service of Rule for the State. Mr. Y N Oza, learned Advocate waives service of Rule on behalf of respondent No.5.

2. This Court, on 6.5.1997, passed the following order :

"Heard Mr G M Joshi for the petitioner and Mr P G Desai, ld. Government Pleader on behalf of respondent No.1, 2 and Mr Munsha for respondent

Mr Desai, ld. Government Pleader states that in response to the show cause notice Annexure-B under section 253 of the Gujarat Panchayat Acts, 1993, some of the members of the Panchayat have filed the reply and they have already been held on 23.4.1997. They have contended before the Development Commissioner that the Panchayat having failed to comply with the provision of sub-sec (2) of sec.163 of the Act, the State Govt. should supersede the District Panchayat. Mr Desai further states that the Development Commissioner now having heard the matter will take appropriate decision according to law in due course. In the facts of the case, the second respondent is directed to take appropriate decision in accordance with the Act and the Rules as expeditiously as possible preferably by 9.5.1997.

With this observation, the petition stands disposed of. Notice is discharged."

The Development Commissioner could not decide the matter before 9.5.1997 as directed by this Court, as an order of status-quo was passed in the present Special Civil Application.

3. In the facts of the case, it is considered appropriate to direct that the order of this Court dated 6.5.1997 is now carried out and the matter may be decided on or before 15.8.1997. One of the representatives of the petitioner shall appear before the Development Commissioner on 11.8.1997 at 11.30 a.m. That representative of the petitioner will be given hearing by the Development Commissioner and the matter shall be decided after hearing him.

4. In view of the above, the petitioner has not pressed the other contentions.

Rule made absolute to the aforesaid extent.

msh